

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 5-1-75 Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
W. W. BARNES vs FORD MOTOR COMPANY, a corporation, and FORD MOTOR CREDIT COMPANY, a corporation		For plaintiff: J. R. Hall, Jr. 12-21-76 P. O. Box 888 Miami, Okla. 74354 (918-542-5558) James S. Wooley 501 First National Bank Bldg. Miami, OK 74354 542-1200 For defendant: Ron Skoller, Tom Marsh Dyer, Powers, Marsh, Turner and Powers 1501 Fourth National Bank Building Tulsa, OK 74119 (918-587-0141) Robert J. Donnellan, Litigation The American Road Dearborn, Michigan 48121					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 12-1-74	Clerk		12-3-74	Hall	15	00	
			12-5-74	C/D #25			15 00
J.S. 6 mailed 3-1-77	Marshal						
Basis of Action: Age Discrimination Employment Act, and Fair Labor Standards Act	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-26-74	1. Complaint, filed. g	
12-3-74	Summons issued. g	
12-9-74	Summons, ret. & filed: served Ford Motor Credit Co. by serving Thomas G. Marsh, Tulsa, Ok., and Ford Motor Co. by serving The Corporation Co., Ok. City, 12-5-74. (USM \$7.00)g Crdit	
12-20-74	2. Appl. of Ford Motor/Co. for ext. of time to plead or ans. to Petition until 1-24-75, filed.jj O to J	
12-20-74	3. Appl. of Ford Motor Co. for ext. of time to plead or ans. to Petition until 1-24-75, filed. O to J jj	
12-24-74	4. Order, filed, granting deft. Ford Motor Co. until 1-24-75 to respond to petition. (LB-J)hm (copies mailed)	
12-24-74	5. Order; filed, granting deft. Ford Motor Credit Co. until 1-24-75 to respond to petition. (LB-J)hm (copies mailed)	
1-8-75	6. Order filed, transferring case to Judge Cook. (LB-J) ds	
1-24-75	7. Motion of Defts. pursuant to Rule 12 FRCP, filed. v	
1-24-75	8. Brief in support, filed. v -o to J	
1-24-75	MO: Ordered by the Court that Plaintiffs are granted 10 days from this date to respond to the Motion of Defts. pursuant to Rule 12 FRCP. (HDC-J)v	
2-4-75	9. Order, filed, granting defts. until 2-28-75 to file answer & supporting documents to motion purs. to Rule 12 FRCP; Court reserves ruling on defts' motion until filing of pltf's responsive brief to defts' motion, which shall be filed by 2-14-75. (HDC-J)hm (copies mailed)	
2-20-75	10 Response of W. W. Barnes to mot. of defts. pursuant to R.12 F.R.C.P., filed. g	
2-20-75	11 Brief in support of response of pltf., filed. g	
2-28-75	12. Answer of Ford Motor Company, filed.k	
2-28-75	13. Appl. for time til 3-14-75 to further plead & respond to the Compl., filed by deft. Ford Motor Credit Co. k	
3-3-75	14. Order, filed, granting Ford Motor Credit Co. until 3-14-75 to plead or respond. (HDC-J)g	
3-14-75	15. Answer of Ford Motor Credit Company, filed. mm	
3-24-75	16. Order, filed, that service of process on deft. Ford Motor Credit Co. is quashed; that service on deft. Ford Motor Co. is proper; that defts' mo/dismiss for lack of jurisdiction is overruled. (HDC-J)hm (copies mailed)	
4-8-75	Marshals return of service filed. Served Ford Motor Credit Co. 4-7-75 at Okla. City, Okla. (USM \$4.00)jj	
4-9-75	MO: Case set for PT hearing 5-1-75 at 11:30 a.m. (HDC-J)hm	
4-21-75	MO: Case reset for PT hearing 4-29-75 at 1:30 p.m. (HDC-J)hm	
4-29-75	MO: Pre-trial hearing held. Statements made. Deft. to file motions to	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	consolidate, for S/J to dismiss Ford Motor Co. & for S/J on merits. Parties directed to exchange documents requested. Case to be set for non-jury trial in August. Pltf's request to file jury demand granted and to be filed within 2 days; def't. 2 days thereafter to respond or object. Pltf. to prepare and file PT order by 7-2-75. (HDC-J)hm	
4-29-75	17. Pre-trial statement, filed in open court. hm	
5-1-75	18. DEMAND FOR JURY, filed by Pltf.jj	
5-1-75	19. Defts' response to pltf's untimely demand for trial by jury, filed.k	
5-9-75	20. Pltf's response to defts' response to pltf's untimely demand for jury trial, filed. g	
5-13-75	21. Deft.'s further response to Pltf.'s untimely demand for Trial by Jury, filed.v	
5-28-75	22. Order, filed, that pltf. demand for jury trial on issues concerning money damages from lost wages and benefits <u>is granted</u> ; that pltf. demand for jury on issues of injunctive relief, liquidated damages and atty. fees or costs <u>is denied</u> . (HDC-J)rm copies mailed	
6-3-75	23. Motion for Summary Judgment to Dismiss Ford Motor Company, filed with brief in support and affidavit of F. J. Force attached. v	
6-4-75	MO: It is ordered by the Court that Plaintiff is granted 10 days from this date to respond to the Mot. for SJ to Dismiss Ford Motor Co. (HDC-J)v	
6-12-75	24. Pltf's response to mot. for S/J of Ford Motor Co., filed. g	
6-16-75	25. Application for Extension of Time Pursuant to Rule 6B (1) F.R.C.P., filed. (HDC-J) mm <i>awj</i>	
6-17-75	26. Order, filed, granting defts. until 7-20-75 to file motion for Summary Judgment. (HDC-J)g cpies mailed.	
7-15-75	27. Applic. of defts. for ext. of time purs. to Rule 6 FRCP, filed. hm	
7-15-75	28. Order, filed, ext. time to file PT Order and further pt papers to 8/25/75. (HDC-J)rm-copies md.	
7-28-75	29. Order, filed, overruling def. Ford Motor Co's mo/SJ.(HDC-J)rm-copies	
8-21-75	30. Motion of pltf for order compelling discovery, w/affd., filed. g	
8-21-75	31. Brief in support of mot. for order compelling discovery, filed.g	
8-21-75	MO: Ordered that pltf's mo/order compelling discovery is referred to Mag. Bradford for recommendation. (HDC-J)hm	
8-25-75	32. Appl. to file PT order later, fld. v	
8-26-75	33. Order, filed, that parties have until 9-25-75 to file pretrial order. (HDC-J)v	
9-17-75	Deposition of <u>Woodferd Wilson Barnes</u> , on behalf of the defts. and deposition of <u>John Badgwell, Wilma Sue Todd, Martha Sue Copeland, Ron Robinson, and Nick Kerpon</u> on behalf of the plaintiff, taken on 7-8-75 before Loyd J. Christesson, CSR W/fees of \$270.00 pd by the plaintiff and \$154.50 pd by the defendants, filed. mm (Dep. consol. W/74-C-377)	
9-17-75	Response to Pltf.'s Mot. for Order Compelling Discovery, fld. by Defts. v	

(contd)

DATE	PROCEEDINGS	Date Order or Judgment Note
9-17-75	Hearing held before Magistrate M. L. Bradford on pltf. mo/order discovery. Parties rep. by counsel of record. By agreement of parties, motion to be withdrawn. Pltf. directed to prepare mo/withdraw within 10 days. (MLB-Mag)rm	
9-17-75	35. Motion of pltf. for order restraining defs. from destroying documents and records, filed. rm	
9-17-75	36. Brief in support of motion for order, filed. rm	
9-23-75	37. Stipulation that the Motion for Order Compelling Discovery filed by the plaintiff on 8-21-75 is withdrawn, filed. mm	
9-24-75	Order, as part of above stip., granting permission to file said stip., filed.(HDC-J)rm-copies mailed	
10-8-75	38. Application, filed. hm	
10-8-75	39. Stipulation, filed. hm	
10-8-75	40. Stipulation, filed, that mo/order restraining the deft. from destroying documents & records should be deferred until pltf. files a motion for setting. hm	
10-10-75	41 Order, filed, granting parties until 11-8-75 to file PT order. (HDC-J)g cpies mld.	
10-30	42. Plaintiff's mot. for Order compelling discovery, filed w/ Affidavit of J. R. Hall Jr. k	
10-30	43. Plaintiff's brief in support of mot. for Order compelling discovery, filed.k	
11-1	Notice of motion (part of motion), filed, setting case for hearing before Mag. Bradford on 11-11-75 at 1:30 p.m. on mo/order compelling discovery. hm (copies mailed)	
11-11	44. Response to Pltf's Mtn. for Order Compelling Discovery, filed.jj	
11-11	MO: Case called for hearing on pltf's motion for order compelling discovery before Magistrate Bradford. It is recommended that pltf's motion be sustained. Pltf. counsel to prepare F&R within 5 days. (MLB-Mag)hm	
11-11-75	45 Stip. re. ext. of time to file PTO, filed. tc	
11-11-75	46 Appl. for ext of time to file PTO, filed. -0-tc	
11-14-75	47. Order, filed, granting until 12-31-75 for filing of Pre-Trial order, (HDC-J) ph cps mld.	
11-17	48. Findings and recommendations of the Magistrate, filed. (MLB-Mag)hm (copies mailed)	
11-20	49. Notice to take depositions, filed. Subpoenae issued. g	
11-26	50. Defts. Mot. to quash notice of taking depositions, and Mot. in the alternative, for a protective order under Rule 26(c)F.R.C.P. filed.tc	
11-26	51. Above Mots. set for hearing before Mag. Morris L. Bradford in U. S. Fed. Ct. House on Dec. 2nd at 2:30, filed. tc <i>as mld by Atty</i>	
11-26	MO: Ordered that mo/quash and mo/protective order are referred to Mag. Bradford for recommendation. (HDC-J)hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-2-75	MO: Hearing held before Magistrate on def't's mo/quash notice of taking depositions. Statements made. Pltf. counsel confesses motion and def't. agrees to advise pltf. of names of substitute parties, if requested. (MLB-Mag)hm	
12-4	52. Order compelling discovery, filed, sustaining pltf's mo/order compelling discovery & def'ts. to furnish pltf. with certain items within 20 days. (HDC-J)hm (copies mailed)	
12-19	53. Appl. of Def'ts. for ext. of time pursuant to R. 6B, FRCP, to comply w/order compelling disc., filed. v (o)	
12-19 1976	54. Order, filed, granting def'ts. until 1-15-76 to comply w/order compelling disc. of 12-3-75. (HDC-J)v	
1-23	55. Mot. for ord. striking Ans. & for default judg., filed.t	
1-23	56. Affidavit, filed.t	
1-23	57. Brf. in support of Pltf's Mot for Ord. striking Ans. & for default judg., filed.t	
1-23	MO: "It is ordered by the court that Def'ts.' is granted 10 days from this date to respond to Pltf. Mot. for Ord. striking Ans. & for Default Judg."t cps. mld.	
1-23	MO: Case set for hearing on pltf's mo/order striking ans. & for def. judgment 2-6-76 at 3:00 p.m. (HDC-J)hm	
2-2	58. Def'ts' response to pltf's mo. for order striking answer and for default judgment, filed. ph	
2-6	MO: Hearing on Pltf's mo. for order striking ans. and for default judgment held. Statements made. Pltf's mo. is denied, but def't. to produce further documents to pltf. by 2-10-76. Ct. admonishes counsel. Costs assessed against def't. & Mr. Hall to file statement of costs. Pltf. to prepare Pre-Trial order by 3-26-76. (HDC-J)ph	
2-10	59. Def'ts' applic. for ext. of time to comply w/order of 2-6-76, filed. hm	
2-10	60. Order, filed, granting def'ts. until 2-15-76 to comply w/order of 2-6-76 and granting def'ts. until 2-24-76 to file a statement of compliance. (HDC-J)hm (copies mailed)	
2-24	61 Compliance Statement, filed.t	
3-26	62. Def't's applic. for ext. of time, filed. hm	
3-26	63. Order, filed, granting parties until 4-12-76 to file PT order. (HDC-J)hm (copies mailed)	
4-5	64. Appl. of J.R. Hall, Jr., for atty. fees, fld. v (o)	
4-5	MO: Ordered by the Court that Def'ts. are granted 10 days from this date to respond to the Appl. of J.R. Hall, Jr., for atty. fees. (HDC-J)v	

(cont)

SHEET 3, Page 6

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-12	65. Pltff's applic. for ext. of time purs. to Rule 6 FRCP, filed. hm	
4-12	66. Order, filed, granting parties to 5-12-76 to file PT orders. (HDC-J) hm (copies mailed)	
4-12	67. Pltff's motion for order compelling discovery, filed. hm	
4-12	68. Brief in support of pltff's mo/order compelling discovery, filed. hm	
4-12	69. Pltff's motion for order striking ans. and for def. judgment, filed. hm	
4-12	70. Brief in support of pltff's mo/order striking ans. & for def. judgment, filed. hm	
4-12	MO: Case set for hearing on pltff's mo/order compelling discovery and Pltff's mo/order striking ans. and for default judgment on 4-23-76 at 11:00 a.m. (HDC-J)hm (notices mailed)	
4-15	71. Appl. of deft. for ext of time to respond to appl. of J. R. Hall, Jr. for Atty fees, filed. ph	
4-15	72. Order, filed, granting defts. until 4-20-76 to respond to Pltff's Appl. for atty fees and further ordered that defts. given leave to respond to mo of Pltff. for order compelling discovery and default judgment by 4-20-76. (HDC-J)ph cps mld	
4-20	73. Defts' resp. to pltff's applications for order compelling discovery, striking ans. default judgment, and appl. for atty fees, filed. ph	
4-23	MO: Case stricken from hearing this date pending settlement. Motions not to be reset, except upon request of pltff. counsel. (HDC-J)hm	
8-10	74. Pltff's motion to set appl. for atty's fees, motion for order striking ans. and for default judgment and motion for order compelling discovery, filed. ph	
8-10	MO: Case set for hearing on pending motions 8-20-76 at 11:00 a.m. (HDC-J)hm (notice mailed)	
8-17	75. Appl. of Defts. for continuance re hrgs. set 8-20-76, fld. v (o)	
8-17	76. Order, filed, that hearing set for 8-20-76 is continued until 8-25-76 at 3:00 p.m. (HDC-J)ph cps mld	
8-26	77. Affidavit of K. W. Underwood, filed. ph	
8-26	78. Affidavit of H. H. Steffen, filed. ph	
8-26	MO: Case called for hearing on pending motions. Statements made. Robert J. Donnellan admitted for purposes of this case. Parties announce settlement negotiations have fallen. Pltff's mo/order compelling discovery granted & complied with; deft. to furnish all documents not heretofore provided. Pltff's applic. for atty's fees overruled as to this hearing, but Ct. awards atty. fees in amt. of \$611.75, pertaining to hearing in Feb., 1976. Pltff's mo/order striking ans. & for default judgment denied. Court orders discovery to be closed by 11-12-76 and PT order to be filed by 12-3-76. Case to be set for trial in January, 1977. Affid. of Alec C. Lindsay, filed in open court. Motion of defts., filed in open court, sustained, and pltff. ordered to comply with requested production of documents within 10 days. (HDC-J)hm	
8-26	80. Affidavit of Alec C. Lindsay, filed in open court. hm	
8-26	81. Motion of defts., filed in open court, (for prod. of documents)hm	
8-26	82. Order directing payment of atty. fees, filed, directing deft. to pay pltff. the sum of \$611.75, within 30 days from this date. (HDC-J)hm (copies mailed)	

PLAINTIFF	DEFENDANT	DOCKET NO. <u>74-C-475</u>
W. W. BARNES	FORD MOTOR COMPANY	PAGE <u>7</u> OF <u>4</u> PAGES

DATE	NR.	PROCEEDINGS
9-22-76	MO:	Case set for jury trial 1-10-77 at 9:30 a.m. (HDC-J)hm (notice mailed)
10-6	MO:	Case reset for jury trial 1-24-77 at 9:30 a.m. in Miami, Oklahoma. (HDC-J)hm (notice mailed)
11-12	83.	Defts' motion to consolidate case 74-C-475 with case 74-C-377, filed. ph
11-12	84.	Defts' memo. brief and support of mo/consolidate, filed. ph
11-12	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Defts' Motion to Consolidate case 74-C-475 with case 74-C-377. (HDC-J)ph ltr. mld
11-24	85.	Pltf's appl. to extend time for discovery and for filing brief in resp. to mo/ of def. Ford Motor Co., to consolidate, filed. ph
11-24	86.	Pltf's brief in support of motion for ext of time, filed. ph
12-1	87.	Defts' Motion to dismiss and/or motion for partial S/J, filed. ph
12-1	88.	Defts' Brief in support of motion to dismiss and/or motion for partial S/J, filed. ph
12-1	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Defts' Motion to dismiss and/or Motion for partial S/J. (HDC-J)ph cps mld
12-2	89.	Order, filed, granting pltf. until 12-3-76 to resp. to motion to consolidate and for completion of discovery. (HDC-J)ph cps mld
12-10	90.	Defts' proposed pretrial order, filed. ph
12-17	91.	Motion to Dismiss for failure to comply with orders of the Court, filed. ph (filed by defts.)
12-17	92.	Brief in support of deft's motion to dismiss under Rule 41(b), filed. ph
12-20	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the defts' Motion to Dismiss for Failure to comply with orders of the Court. (HDC-J)ph cps mld
12-21	93.	Motion of J. R. Hall, Jr. to withdraw as counsel for pltf., filed. ph
12-21	94.	Appearance of James S. Wooley for pltf. W. W. Barnes, filed. ph
12-21	95.	Pltf's appl. for ext. of time to resp. to defts' motion to dismiss and/or motion for partial S/J, filed. ph
12-21	96.	Pltf's appl. to extend time to complete discovery and file PT order, filed. ph
12-21	97.	Pltf's appl. for ext. of time to resp. to defts' motion to consolidate, filed. ph
12-21	98.	Order, filed, granting J. R. Hall, Jr. leave to withdraw as atty. for plaintiff. (HDC-J)g cp mld.
12-21	MO:	Ordered by the Court that pltf. is granted to 12/30/76 to respond to defts. mo/diss and/or for partial SJ; to complete discovery and file PT order; and to respond to def. mo/consolidate. (HDC-J)rm-letter
12-22		Copy of Reporter's transcript of proceedings had on 8/26/76, filed. rm (G. Dorrough-CR)
12-30	99.	Pltf's resp. to defts' motion to dismiss for failure to comply with orders of the Court, filed. ph
12-30	100.	Brief in support of pltf's resp. to defts' motion to dismiss under Rule 41(b), filed. ph

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-475</u>
W. W. Barnes		Ford Motor Company, et al	PAGE <u>8</u> OF <u>4</u> PAGES

DATE 1976	NR.	PROCEEDINGS
12-30	101.	Pltf's resp. to def't's motion to consolidate, filed. ph
12-30	102.	Brief in support of pltf's resp. to consolidate of defts', filed. ph
12-30	103.	Pltf's resp. to def't's motion to dismiss and/or motion for partial S/J, filed. ph
12-30	104.	Pltf's proposed PT order, filed. ph
12-30	105.	Affidavit of J. R. Hall, Jr., filed. ph
12-30	106.	Affidavit of Phillips Breckinridge, filed. ph
1-4-77	MO:	Case set for selection of jury in Tulsa, Ok. 1-18-77 at 9:30 a.m. (HDC-J)hm
1-12	107.	Order, filed, that Def'ts' motion to dismiss for failure to comply w/orders of the Court is denied. (HDC-J)ph cps mld
1-12	108.	Order, filed, that defts' motion to consolidate for trial is denied. (HDC-J)ph cps mld
1-12	109.	Order, filed, that defts' motion to dismiss and/or motion for partial S/J is overruled. (HDC-J)ph cps mld
1-18	MO:	Case called for selection of jury. Deft. present & announces settlement. Final papers to be submitted by 1-21-77. (HDC-J)hm
1-25	110.	Stipulation of settlement, filed. ph
2-4	111.	Stipulation of dismissal, filed and entered, that action is dismissed with prejudice. hm